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10/674,754	09/30/2003	Thomas E. Reidy	TERE.P112US	4222

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EXAMINER

PHUONG, DAI

ART UNIT	PAPER NUMBER
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2688

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/674,754	Applicant(s) REIDY, THOMAS E.	
	Examiner Dai A. Phuong	Art Unit 2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/25/2005 have been fully considered but they are not persuasive. Claims 1-33 are currently pending.

Applicant, on page 1 of his response, argue that Timothy et al. do not disclose directed towards a mass delivery situation. However, the examiner disagrees. In response to applicant's arguments, the recitation "a mass delivery" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Furthermore, the Applicant also asserts that the identification of individual addresses is not important. The Examiner totally agrees with this assertion. However, "a mass delivery" is broadly interpreted as more than one packages are delivered to one location, or more multiple locations. These packages could be or could not be the same exact items. So, what is exactly the novelty of this invention if multiple packages not necessary the same item are delivered and tracked by the company? For instance, a delivery person delivers a package A to the first location, and it can be tracked as disclosed by Timothy's method. The delivery person also delivers a package B to the second location, and this package once again can be tracked for the mentioned above method. It is critical to track packages whether or not they have been delivered to the correct address/location as desired regardless the similarity. Even though, Timothy's

invention is more specific regarding recording the identification of the individual addresses, but the Applicant broadly claims without identifying the individual address. Hence, the cited reference surely could still reads on the claimed features.

In general, Timothy et al. disclose a method of recording all the transactions or packages that have been delivered to intended recipients (i.e., specific individual address, paragraph [0099] to [0104]). Hence, Timothy discloses a method of a mass delivery (since it is more than one packages are delivered). Also, the items delivered could or could not be the same since it is not the criticality of the invention.

Applicant, on page 2 of his response, argues that Timothy et al. do not disclose a system and/or method a mass delivery communication system for collecting and processing completion data for an item that is to be mass delivered in predetermined area comprising a plurality of particular regions, each containing a plurality of delivery sites. In this system, the mobile terminal unit is programmed to receive input regarding completion of delivery in one of the particular regions. The present invention also provides a method comprising the steps of delivering *the same item to each of a plurality of delivery sites in a first particular region* and *inputting delivery completion in the first particular region into a mobile terminal unit operationally disposed with delivery personnel*. However, the examiner disagrees. The delivery person inputs a destination address (particular region) into a mobile terminal unit by scanning a delivery package label or loading from a processing center. The applicant should be noted that the *destination address* includes street, city, state and zip code. The applicant's attention is directed to the disclosure of the reference Timothy et al., at paragraph ([0099] and

[0104]). In the other hand, the applicant's attention is directed to his disclosure at paragraph ([0005] and claims 11 to 13 which define the term "predetermine area" and particular region".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 7-19, 21-29 and 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Timothy et al. (Pub. No: 2003/0114206).

Regarding claim 1, Timothy et al. disclose a mass delivery communication system for collecting and processing completion data for an item that is to be mass delivered in a predetermined area comprising a plurality of particular regions, each containing a plurality of delivery sites ([0030]); said system comprising: at least one mobile terminal unit (the portable data acquisition device 1, see fig. 22) operationally disposed with delivery personnel ([0099]. Specifically, Timothy et al. disclose the GPS sensor 310 may assist a **delivery person** in delivering a package to a specified or desired location) and including a transmitter for wireless transmission of delivery data ([0097]. Specifically, Timothy et al. disclose the appropriate data radio is actuated, the details of the particular task may also be stored by the device 1 in a database therein. Subsequently, either in real time or on a periodic basis, the database entries may be **transmitted to the host system** via one of the data radios, please see fig. 22 and fig. 23); and a processing center 200 located remote from the mobile terminal unit and including a

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receiver for reception of the delivery data from the mobile terminal unit (fig. 22, [0071]. Specifically, Timothy et al. disclose the device 1 is generally configured to collect package tracking data, typically at a distribution center, at the package delivery location, and in various locations therebetween or otherwise, to store the package tracking data, and **to forward the package tracking data to a mainframe data repository 200** via one of several communication devices and methods); wherein the mobile terminal unit is programmed to receive input regarding completion of delivery in one of the particular regions and to transmit delivery data corresponding to the input to the processing center ([0107]. Specifically, Timothy et al. disclose when the package is transported to the destination address, a person accepting the package may be required to sign a signature capture window with the stylus 45, provide a fingerprint which may be read, for example, through a digitizer function implemented in the display 30, or have a picture taken by, for instance, a digital camera implemented in the device 1. At the same time, photographs and/or corresponding signatures of authorized personnel may be shown on the display for the delivery person's comparison. Thus, not only can the signature, fingerprint, and/or picture be verified against the database records, but the signature may also be verified as corresponding to the person in the picture and/or the provided fingerprint. In some instances, the device 1 and/or the host system may include automated identification systems for matching and verifying the data provided by the person receiving the package to the authorization information contained in the database); and wherein the processing center is programmed to read, interpret, and display delivery data to appropriate parties ([0107]. Specifically, Timothy et al. disclose the data collected from the person accepting the package may also be transmitted to the host system and **provided upon request**. Also Timothy et al. disclose real-time package tracking

information is expeditiously **made available for dissemination on request**. Further, a manifest of the package or packages delivered by the delivery person may, in some instances, be downloaded directly to the consignee's personal computer and/or network via the WPAN data radio 350, or the Infrared Data Association (IRDA) communication port, or provided in a periodic report to the consignee, in section [0104]).

Regarding claim 2, Timothy et al. disclose all the limitation in claim 1. Further, Timothy et al. disclose a mass delivery communication system comprising: a plurality of mobile terminal units, each unit being operationally disposed with delivery personnel ([0093]) and including a transceiver for wireless communication of delivery data ([0097]), and each unit being programmed to receive input regarding delivery completion of the item in a portion of the particular region and wherein the processing center is programmed to read, interpret, and display delivery data to appropriate parties ([0095] and [0107]).

Regarding claim 3, Timothy et al. disclose all the limitation in claim 2. Further, Timothy et al. disclose a mass delivery communication system wherein the processing center comprises a host server 200 located remote from the mobile terminal unit(s) (fig. 22, [0071]. Specifically, Timothy et al. disclose the device 1 is generally configured to collect package tracking data, typically at a distribution center, at the package delivery location, and in various locations therebetween or otherwise, to store the package tracking data, and to **forward the package tracking data to a mainframe data repository 200** via one of several communication devices and methods).

Regarding claim 7, Timothy et al. disclose all the limitation in claim 1. Further, Timothy et al. disclose a mass delivery communication system wherein the mobile terminal unit also comprises a receiver; wherein the processing center comprises a transmitter; and wherein the processing center wirelessly transmits information to the mobile terminal unit ([0097]).

Regarding claim 8, Timothy et al. disclose all the limitation in claim 1. Further, Timothy et al. disclose a mass delivery communication system wherein the mobile terminal unit comprises a display screen ([0082] and [0104]); wherein the mobile terminal unit is programmed to display a menu on the screen ([0082] and [0104]); and wherein the menu includes an input for the predetermined area ([0082] and [0104]).

Regarding claim 9, Timothy et al. disclose all the limitation in claim 8. Further, Timothy et al. disclose a mass delivery communication system wherein the mobile terminal unit is programmed so that the input is a zip code ([0103]).

Regarding claim 10, Timothy et al. disclose all the limitation in claim 1. Further, Timothy et al. disclose a mass delivery communication system wherein the mobile terminal unit receives input from a global positioning system to determine the relevant predetermined area ([0098] to [0104]).

Regarding claim 11, Timothy et al. disclose all the limitation in claim 10. Further, Timothy et al. disclose a mass delivery communication system wherein the relevant predetermined area is a zip code ([0103]).

Regarding claim 12, Timothy et al. disclose all the limitation in claim 1. Further, Timothy et al. disclose a mass delivery communication system wherein the mobile terminal unit displays the particular regions within the predetermined area ([0102] and [0104]).

Regarding claim 13, Timothy et al. disclose all the limitation in claim 12. Further, Timothy et al. disclose a mass delivery communication system wherein the particular regions are street indexes ([0102]).

Regarding claim 14, Timothy et al. disclose all the limitation in claim 1. Further, Timothy et al. disclose a mass delivery communication system wherein the input is performed by selecting one of the displayed particular regions ([0104]).

Regarding claim 15, Timothy et al. disclose all the limitation in claim 1. Further, Timothy et al. disclose a mass delivery communication system said method comprising the steps of: delivering the same item to each of a plurality of delivery sites in a first particular region of a predetermined area comprising a plurality of particular regions; and inputting delivery completion in the first particular region into the mobile terminal unit ([0104]).

Regarding claim 16, Timothy et al. disclose all the limitation in claim 1. Further, Timothy et al. disclose a method further comprising the step of viewing the delivery data via the processing center ([0107]).

Regarding claim 17, Specifically, Timothy et al. disclose a method of collecting and processing delivery completion data, said method comprising the steps of: delivering the same item to each of a plurality of delivery sites in a first particular region of a predetermined area comprising a plurality of particular regions ([0104]. Specifically, Timothy et al. disclose when a

driver **delivers a package** to a consignee, the driver uses the GPS sensor 310 to obtain the GPS position information of the consignee's actual physical location. The driver uses the scanner 55 of the portable data acquisition device 1 to capture the package tracking data from the package or packages to be delivered and retrieves the corresponding **destination address from the delivery information that was previously downloaded to the portable data acquisition device 1 from the central host system 200** via the WLAN and/or WWAN data radios 340, 330); and inputting delivery completion in the first particular region into a mobile terminal unit operationally disposed with delivery personnel ([0107] and [0104]. Specifically, Timothy et al. disclose the driver uses the scanner 55 of the portable data acquisition device 1 to capture the package tracking data from the package or packages to be delivered and retrieves the corresponding **destination address from the delivery information that was previously downloaded to the portable data acquisition device 1 from the central host system 200** via the WLAN and/or WWAN data radios 340, 330, in section [0104]); transmitting delivery data corresponding to the input to a processing center located remote from the mobile terminal unit; and reading, interpreting, and displaying the delivery data to appropriate parties ([0107]. Timothy et al. disclose the data collected from the person accepting the package may also be transmitted to the host system and **provided upon request**. Also Timothy et al. disclose real-time package tracking information is expeditiously made available for dissemination on request. Further, a manifest of the package or packages delivered by the delivery person may, in some instances, be downloaded directly to the consignee's personal computer and/or network via the WPAN data radio 350, or the Infrared Data Association (IRDA) communication port, or provided in a periodic report to the consignee, in section [0104]).

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 17.

Regarding claim 19, Timothy et al. disclose all the limitation in claim 18. Further, Timothy et al. disclose a method wherein said transmitting step comprises transmission of the delivery data to a host server located remote from the mobile terminal unit(s) ([0071]. Specifically, Timothy et al. disclose the device 1 is generally configured to collect package tracking data, typically at a distribution center, at the package delivery location, and in various locations there between or otherwise, to store the package tracking data, and **to forward the package tracking data to a mainframe data repository 200** via one of several communication devices and methods).

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 24, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 25, this claim is rejected for the same reason as set forth in claim 12.

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 13.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 14.

Regarding claim 28, Timothy et al. a mass delivery communication system for collecting and processing delivery completion for an item that is to be mass delivered in predetermined areas, each comprising a plurality of particular regions each containing a plurality of delivery

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sites; said system comprising: a mobile terminal unit operationally disposed in each of the predetermined areas ([0104]. Timothy et al. disclose the corresponding **destination address from the delivery information that was previously downloaded to the portable data acquisition device 1** from the central host system 200 via the WLAN and/or WWAN data radios 340, 330); and a processing center 200 located remote from the mobile terminal units (fig. 22, [0071]. Timothy et al. disclose the device 1 is generally configured to collect package tracking data, typically at a distribution center, at the package delivery location, and in various locations there between or otherwise, to store the package tracking data, and to **forward the package tracking data to a mainframe data repository 200 via one of several communication devices and methods**); wherein each of the mobile terminal units is programmed to receive input regarding delivery completion in the corresponding particular region and to transmit delivery data corresponding to the input to the processing center ([0107]. Specifically, Timothy et al. disclose when the package is transported to **the destination address, a person accepting the package may be required to sign a signature capture window with the stylus 45, provide a fingerprint which may be read, for example, through a digitizer function implemented in the display 30, or have a picture taken by, for instance, a digital camera implemented in the device 1**. At the same time, photographs and/or corresponding signatures of authorized personnel may be shown on the display for the delivery person's comparison. Thus, not only can the signature, fingerprint, and/or picture be verified against the database records, but the signature may also be verified as corresponding to the person in the picture and/or the provided fingerprint. In some instances, the device 1 and/or the host system may include automated identification systems for matching and verifying the data provided by the person receiving the package to the

authorization information contained in the database); and wherein the processing center is programmed to read, interpret, and display delivery data to appropriate parties ([0107]. Timothy et al. disclose the data collected from the person accepting the package may also be transmitted to the host system and **provided upon request**. Also Timothy et al. disclose real-time package tracking information is expeditiously made available for dissemination on request. Further, a manifest of the package or packages delivered by the delivery person may, in some instances, be downloaded directly to the consignee's personal computer and/or network via the WPAN data radio 350, or the Infrared Data Association (IRDA) communication port, or provided in a periodic report to the consignee, in section [0104]).

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 31, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 32, this claim is rejected for the same reason as set forth in claim 13.

Regarding claim 33, Timothy et al. disclose all the limitation in claim 28. Further, Timothy et al. disclose a mass delivery communication system wherein the delivery sites comprise residential homes ([0103] and [0104]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timothy et al. (Pub. No: 2003/0114206) in view of Petite et al. (Pub. No: 2005/0043059).

Regarding claim 4, Timothy et al. disclose all the limitation in claim 3. However, Timothy et al. do not disclose a mass delivery communication system, as set forth in the preceding claim, wherein the host server is operably connected to the Internet and the delivery information is transferred to a website on the Internet.

In the same field of endeavor, Petite et al. disclose a mass delivery communication system, as set forth in the preceding claim, wherein the host server is operably connected to the Internet and the delivery information is transferred to a website on the Internet ([0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable data acquisition device of Timothy et al. by specifically including disclose a mass delivery communication system, as set forth in the preceding claim, wherein the host server is operably connected to the Internet and the delivery information is transferred to a website on the Internet, as taught by Petite et al., the motivation being in order to provide the transmit signal to the wireless communication network and receive messages from the wireless communication network.

Regarding claim 5, the combination of Timothy et al. and Petite et al. disclose all the limitation in claim 1. Further, Petite et al. disclose a mass delivery communication system, as set forth in the preceding claim, wherein a password is necessary to access the delivery information on the Internet ([0010]).

Regarding claim 6, the combination of Timothy et al. and Petite et al. disclose all the limitation in claim 1. Further, Petite et al. disclose a mass delivery communication system, as set forth in either of the preceding claims, wherein an user identification is necessary to access the delivery information on the Internet ([0010]).

Regarding claim 20 Timothy et al. disclose all the limitation in claim 19. However, Timothy et al. do not disclose a method wherein said displaying step comprises the transfer of delivery information to a website on the Internet.

In the same field of endeavor, Petite et al. disclose a method wherein said displaying step comprises the transfer of delivery information to a website on the Internet. ([0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable data acquisition device of Timothy et al. by specifically including disclose a method wherein said displaying step comprises the transfer of delivery information to a website on the Internet, as taught by Petite et al., the motivation being in order to provide the transmit signal to the wireless communication network and receive messages from the wireless communication network.

Regarding claim 30, Timothy et al. disclose all the limitation in claim 28. But, Timothy et al. do not disclose a mass delivery communication system wherein the host server is operably connected to the Internet and the delivery information is transferred to a website on the Internet.

In the same field of endeavor, Petite et al. disclose a mass delivery communication system wherein the host server is operably connected to the Internet and the delivery information is transferred to a website on the Internet ([0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable data acquisition device of Timothy et al. by specifically including the host server is operably connected to the Internet and the delivery information is transferred to a website on the Internet, as taught by Petite et al., the motivation being in order to provide the transmit signal to the wireless communication network and receive messages from the wireless communication network.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2688
Date: 12-22-2005


GEORGE ENG
SUPERVISORY PATENT EXAMINER